UNITED STATES PATENT AND TRADEMARK OFFICE

APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/576,147	02/12/2007	Paul Oommen	873.0167.U1(US)	5639

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EXAMINER
MCADAMS, BRAD

ART UNIT	PAPER NUMBER
2456	

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Please find below and/or attached an Office communication concerning this application or proceeding.

The time period for reply, if any, is set in the attached communication.

	Application No.	Applicant(s)
Office Action Summary	10/576,147	OOMMEN ET AL.
	Examiner	Art Unit	
	ROBERT B. MCADAMS	2456	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.
- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

1)☒ Responsive to communication(s) filed on *17 April 2006*.

2a)☐ This action is **FINAL**.   2b)☒ This action is non-final.

3)☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

4)☒ Claim(s) *1-29* is/are pending in the application.

    4a) Of the above claim(s) _____ is/are withdrawn from consideration.

5)☐ Claim(s) _____ is/are allowed.

6)☒ Claim(s) *1-29* is/are rejected.

7)☐ Claim(s) _____ is/are objected to.

8)☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

9)☐ The specification is objected to by the Examiner.

10)☒ The drawing(s) filed on *17 April 2006* is/are: a)☒ accepted or b)☐ objected to by the Examiner.

    Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).

    Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).

11)☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

12)☒ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).

    a)☒ All   b)☐ Some * c)☐ None of:

      1.☒ Certified copies of the priority documents have been received.

      2.☐ Certified copies of the priority documents have been received in Application No. _____.

      3.☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

    * See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

1) ☒ Notice of References Cited (PTO-892)

2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)

3) ☒ Information Disclosure Statement(s) (PTO/SB/08)
    Paper No(s)/Mail Date *10/20/2008, 11/24/2006*.

4) ☐ Interview Summary (PTO-413)
    Paper No(s)/Mail Date. _____.

5) ☐ Notice of Informal Patent Application

6) ☐ Other: _____.

DETAILED ACTION

1.   This Office Action is in response to the application filed on April 17, 2006.

2.   Claims 1-29 are pending.

Claim Rejections - 35 USC § 101

3.   35 U.S.C. 101 reads as follows:

> Whoever invents or discovers any new and useful process, machine, manufacture, or composition of
> matter, or any new and useful improvement thereof, may obtain a patent therefor, subject to the
> conditions and requirements of this title.

Claims 26-29 are rejected under 35 U.S.C. 101 because the claimed invention is

directed to non-statutory subject matter.

As to **Claims 26-29**, a "data structure" is claimed. However said data structure is

purely software and not tied to a material piece of hardware. Therefore said claims are

non-statutory.

Claim Rejections - 35 USC § 102

4.   The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that

form the basis for the rejections under this section made in this Office action:

> A person shall be entitled to a patent unless –
>
> (b) the invention was patented or described in a printed publication in this or a foreign country or in public
> use or on sale in this country, more than one year prior to the date of application for patent in the United
> States.

5.   **Claims 1-6 and 11-16** are rejected under 35 U.S.C. 102(b) as being anticipated

by *Noneman* (U.S. Patent No. 5,887,252).

As to **Claims 1 and 11,** *Noneman* discloses operating a wireless data communication system **(Figure 2)**, comprising:

receiving at a device **(Mobile Station, MS)** a multicast message flow **(Message)** comprising content and a flow identification **(MS receives a message containing service content and flow identification, Service_Option. Column 4, Lines 30-53)** ;

determining a type of content from a multicast identification information that comprises a part of the flow identification **(A particular multicast service is determined based on the Service_Option value. Column 4, Lines 35-41)**; and

passing the flow to an appropriate content processing entity **(The Base Station (BS) receives the flow. Column 4, Lines 53-57)**.

As to **Claims 2 and 12,** *Noeman* further discloses sending a request from the device to obtain information about a multicast program from a content server **(MS sends a origination message requesting service parameters from the BS. Paragraph bridging Columns 4 and 5)**.

As to **Claims 3 and 13,** *Noeman* further discloses where the multicast identification information comprises security information associated with the content **(Message fields, Multicast_group for specifying long code mask, added to the message are used for descrambling the received message from the BS. Column 5, Lines 1-10 and 42-45)**.

As to **Claims 4 and 14,** *Noeman* further discloses where a content server sends

a list of multicast flows as part of the multicast identification information

(Service_Option includes all of the multicast flows. Column 4, Lines 30-53).

As to **Claims 5 and 15,** *Noeman* further discloses selecting a multicast program

based on the multicast identification information via a user interface of the device

(Column 6, Lines 22-32).

As to **Claims 6 and 16,** *Noeman* further discloses selectively requesting from a

content server descriptive information regarding a multicast content flow

(Server_Option numbers represent descriptive information for selecting a

particular multicast content flow. Column 4, Lines 30-42).

Claim Rejections - 35 USC § 103

6.   The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all

obviousness rejections set forth in this Office action:

> (a) A patent may not be obtained though the invention is not identically disclosed or described as set
> forth in section 102 of this title, if the differences between the subject matter sought to be patented and
> the prior art are such that the subject matter as a whole would have been obvious at the time the
> invention was made to a person having ordinary skill in the art to which said subject matter pertains.
> Patentability shall not be negatived by the manner in which the invention was made.

7.   **Claims 7, 17, 21-22 and 26** are rejected under 35 U.S.C. 103(a) as being

unpatentable over *Noneman* (U.S. Patent No. 5,887,252) in view of *Brunet* (U.S.

PGPub. No. 2004/0203755 A1).

As to **Claims 7 and 17,** *Noeman* discloses the wireless data communications

system as previously discussed in Claim 6.

However, *Noeman* does not expressly disclose wherein the descriptive

information concerns an update of at least one of firmware and application data.

Brunet, in the same field of endeavor, teaches descriptive information concerns

an update to at least one of firmware and application data **(Mobile Care Framework 1**

allows application and firmware updates to be stored and made available to

Mobile users. Paragraph 0091).

At the time of invention, it would have been obvious to a person of ordinary skill

in the art to have combined the wireless data communication system as taught by

Noeman with providing firmware and application updates as taught by *Brunet.* The

motivation would have been to keep mobile users updated.

As to **Claims 21, 22 and 26** *Noeman-Brunet* teach where said multicast

identification information is represented as a data structure **(*Noeman;* Message.**

Column 4, Lines 29-41) and where said controller is operable to parse said data

structure to retrieve flow-related information therefrom **(*Noeman;* Column 4, Lines 63-**

67), said data structure comprising fields that include a type identification field

specifying a flow type **(*Noeman;* Service_Option)**; a provider identification field for

identifying a provider of firmware; a vendor identification for identifying a vendor of

firmware; and an application identification field for identifying an application in the

mobile host that uses the content delivered in the flow (***Brunet;* Figure 2, 320A/B and
330A; Paragraphs 0081-0084)**

8.   **Claims 8-10, 18-20, 23-25, 27-29** are rejected under 35 U.S.C. 103(a) as being

unpatentable over *Noneman* (U.S. Patent No. 5,887,252) in view of *Oommen* (U.S.

PGPub. No. 2003/0103484 A1).

As to **Claims 8, 10, 18, 20, 23, 25, 27 and 29,** *Noneman* discloses the wireless

communication system as previously discussed in Claim 1.

However *Noneman* does not expressly disclose where the multicast identification

information is represented using one of Extended Markup Language (XML), or

Synchronization Markup Language (SyncML), for transmission over-the-air (OTA).

Oommen, teaches where the multicast identification information is represented

using one of Extended Markup Language (XML), or Synchronization Markup Language

(SyncML), for transmission over-the-air (OTA) comprising Open Mobile Alliance (OMA)

Device Management framework **(SyncML. Paragraph 0062).**

As to **Claims 9, 19, 24 and 28,** *Oommen-Noeman* further teach where multicast

identification information associated with different multicast flows is represented in a

tree-like structure associated with a management framework (***Oommen;* Paragraph
0076).**

Conclusion

Any inquiry concerning this communication or earlier communications from the examiner should be directed to ROBERT B. MCADAMS whose telephone number is (571)270-3309. The examiner can normally be reached on Monday-Thursday 6:30am-5pm.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Bunjob Jaroenchonwanit can be reached on 571-272-3913. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see http://pair-direct.uspto.gov. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

/R. B. M./
Examiner, Art Unit 2456

/Bunjob Jaroenchonwanit/

Supervisory Patent Examiner, Art Unit 2456